

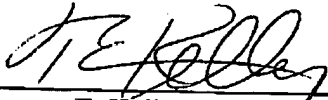
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GROUP 1600

## Certificate of Facsimile Transmission - total of 3 sheets

I certify that this communication together with an enclosed Petition For Extension of Time (in duplicate) is being facsimile transmitted to the USPTO's TC1600-Before Final fax number 703-872-9306 on July 28, 2003.

  
Thomas E. Kelley, Reg. No. 29,938#5  
MQJ  
8/5/03

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: application of Stanley G. Bower *et al.*

Serial No. 09/927,827

For: Directed Genetic Engineering  
of *Xanthomonas campestris*

Group Art Unit: 1652

Examiner: Kathleen M. Kerr

**CORRECTED**  
**Petition for Extension of Time and Election**

OFFICIAL


MS Non-Fee Amendment  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

**Petition for Extension of Time:** To timely respond to the Office Action mailed April 22, 2003 with a 1 month shortened statutory period for reply expiring on May 22, 2003, applicant submits herewith a Petition For Extension of Time Under 37 CFR 1.136(a) specifically requesting a three month extension, i.e. to August 22, 2003. The fee is paid by authorization to charge the deposit account identified in the Petition.

**Election:** Applicant traverses the restriction requirement in which the PTO alleges that aspects of the invention characterized by DNA and/or translated protein sequence of separate genes constitute independent and distinct inventions because the structure of the protein and/or DNA defines the invention. This is purely an arbitrary policy in which DNA and/or protein structure are declared by the PTO to define the invention without actual analysis of the invention as claimed by applicant. Nonetheless, to advance the prosecution of this application, applicant provisionally elects Group XXIX comprising claim 21.

Respectfully submitted,

  
Thomas E. Kelley  
Registration No. 29,938  
Attorney for Applicant  
phone: 860-572-5274

PTO/SB/22 (10-00)

Approved for use through 10/31/2002. OMB 0851-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Docket Number (Optional)  
38-10(15424)B

In re Application of

Stanley G. Bower et al.

Application Number

09/705,926

Filed

08/10/2001

For: Directed Genetic Engineering of *Xanthomonas campestris*

Group Art Unit

1652

Examiner

Kathleen M. Kerr

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

☐ One month (37 CFR 1.17(a)(1))

\$

☐ Two months (37 CFR 1.17(a)(2))

\$

☒ Three months (37 CFR 1.17(a)(3))

\$ 930

☐ Four months (37 CFR 1.17(a)(4))

\$

☐ Five months (37 CFR 1.17(a)(5))

\$

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account.

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 134125.

I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor

☐ assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ attorney or agent of record.

☐ attorney or agent under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a) \_\_\_\_\_

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

July 28, 2003

Date

08/06/2003 GTRAMEL 00000002 134125 09705926

01 FC:1253 930.00 DA

Signature

Thomas E. Kelley, Reg. No. 29,938

Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of \_\_\_\_\_ forms are submitted.

Burden Hour Statement: This form is estimated to take 0.1 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.